

# Court of Appeals, State of Michigan

## ORDER

People of MI v Jay Parker Foust

Docket No. 289997

LC No. 2008-002228-FH

Stephen L. Borrello  
Presiding Judge

Alton T. Davis

Michael J. Kelly  
Judges

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The Court orders that the motion to remand is DENIED for failure to meet the requirements of MCR 7.211(C)(1) because defendant does not present an issue that either must be initially decided by the trial court or that requires development of a further factual record for appellate consideration. We note that, in addition to *People v Jackson*, unpublished opinion per curiam of the Court of Appeals, issued March 26, 2009 (Docket No. 281380), not being binding on the case call panel, MCR 7.215(C)(1), that opinion did not actually address whether reversal of some convictions in a case on sufficiency of the evidence grounds warrants resentencing as to the remaining convictions.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 14 2009

Date

*Sandra Schultz Mengel*  
Chief Clerk